

Docket No.: T09-0132
3rd Supp.
Bench Date: 07/09/2014
Deadline: N/A

M E M O R A N D U M

TO: The Commission

FROM: Timothy E. Duggan, Administrative Law Judge

DATE: June 19, 2014

SUBJECT: Illinois Central Railroad Company, Rantoul Township Road District and Somer Township Road District, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the 2400N (TR 107A) highway-rail grade crossing of the Illinois Central Railroad Company's track near Thomasboro, Champaign County, Illinois, designated as crossing AAR/DOT #289 054G, railroad milepost 120.10-M.

RECOMMENDATION: Enter Third Supplemental Order authorizing additional GCPF assistance of \$3,029.84, totaling \$6,600.97, for a total amount of prior and presently authorized GCPF assistance to \$123,066.84.

On August 5, 2013, Illinois Central filed a Petition for a Supplemental Order authorizing additional GCPF assistance of \$23,382.71 in GCPF assistance, for a final total GCPF obligation of \$182,393.08, all to cover reimbursement amounts authorized after the originally authorized reimbursements were paid. Hearing was held on January 15, 2014. A prior Supplemental Order extended the completion due date for the project.

The original Order was entered on December 16, 2009. The Order required IC to install new automatic flashing light signals and gates controlled by constant warning time circuitry at a crossing in Champaign County. The Order allocated cost percentages among the parties, including GCPF assistance which was capped at not to exceed \$147,459.00, except that any installation costs above the total estimated cost of \$155,220.00 would be eligible for GCPF assistance in the same percentages subject to approval by the Commission. On August 15, 2012, the Commission entered a Second Supplemental Order increasing the obligation of the Grade Crossing Protection Fund by an additional \$11,551.37.

IC previously was reimbursed for costs totaling \$159,010.37. Subsequently, IC received notification from the FHWA and IDOT that IC would be allowed to increase their additive rates for work performed on or after January 1, 2010. On April 10, 2012, the Company submitted an updated final bill to collect money authorized under the new additive rates.

The Company seeks \$23,382.71 in additional GCPF assistance, for a final total GCPF obligation of \$182,393.08. Staff and IDOT have no objection. The Townships stated no position. A Proposed Order was issued to all Parties and Staff. No exceptions were filed.

I recommend entry of the attached Order approving re-obligated and additional GCPF assistance.